

***PHYSICS TODAY* MAGAZINE WORKPLACE CHRONOLOGY**

1980

Jeff Schmidt receives a PhD in physics from the University of California, Irvine, and registers with the American Institute of Physics job placement service.

Early 1981

Physics Today Editor Harold L. Davis invites Schmidt to apply for a job at the magazine.

Late February 1981

Physics Today brings Schmidt from California to New York for an interview. Schmidt talks to *Physics Today* Editor Harold L. Davis, senior editor Gloria B. Lubkin, managing editor Thomas von Foerster and to American Institute of Physics personnel manager Charlotte K. Maier and American Institute of Physics associate director, publishing, Robert H. Marks. Marks promises that Schmidt can go far by staying with AIP.

17 March 1981

Schmidt begins work at *Physics Today*, at the magazine's offices in the headquarters building of the American Institute of Physics, in New York City (Manhattan).

Within a year after beginning work

Management gives Schmidt a booklet that begins, "Welcome to the staff of the American Institute of Physics." The booklet gives examples of "an employee's own time": "meal periods, scheduled breaks, and time before or after a shift."

[See American Institute of Physics Employee's Handbook, January 1982, page 16]

1981–2000

Bertram M. Schwarzschild, whose timeline of employment at *Physics Today* almost exactly parallels Schmidt's, openly spends company time on personal activities (rehearsing lines for plays, making personal telephone calls, debating topics at length with coworkers, writing fiction on his office computer, sending personal e-mail, surfing the Web, playing computer solitaire and so on), but is never fired. Schwarzschild's submissive attitude toward management and open seething with irrational prejudices against minorities, women, gays and so on contrasts sharply with Schmidt's attitude and behavior.

[See, for example, Schwarzschild's 12 November 1998 three-page fiction writing]

1981–2000, most years

Schmidt is given bonuses for perfect attendance.

[See various memos]

1981–2000

Schmidt's work is praised by the authors of the articles he edits. Many of the authors are prominent physicists.

[See various letters]

1981–2000

Schmidt does work beyond that required by his job description. For example, he helps coworkers who write news stories and he researches possible feature article topics, proposes the articles at meetings and solicits them. Management discourages such initiatives by Schmidt by over-scrutinizing them and looking unusually hard to find fault with them.

[See, for example, agenda for 20 January 2000 articles meeting]

1981–1993

Schmidt plays a prominent role in the fight for a smoke-free workplace.

[See, for example, 17 August 1989 note from Schmidt to *Physics Today* Editor Gloria B. Lubkin about working conditions]

10 December 1981

The National Labor Relations Board holds a union-representation election at the Woodbury, New York (Long Island), facility of the American Institute of Physics, the workplace of most AIP employees. Before the vote, AIP contracts with an anti-union consulting firm to resist unionization. AIP director H. William Koch and other top AIP managers meet with members of the voting units individually to discourage them from voting to unionize. Koch tells employees that “union benefits” are benefits for union officials and are very expensive. The large voting unit of nonprofessionals (typesetters) votes against unionization; the small voting unit of professionals (computer programmers) votes for unionization but later decides not to go it alone.

[See memoranda of 10 March 1982, 29 March 1982 and 2 April 1982 from Koch to all AIP staff]

29 March 1982

American Institute of Physics director H. William Koch tells AIP staff that if they are subpoenaed to testify on behalf of the union at an upcoming NLRB hearing, AIP will not pay them for their time out of the office.

[See 29 March 1982 memorandum from Koch to all AIP staff]

23 March 1983

Irwin Goodwin, born 19 August 1929, begins work as an editor at *Physics Today*.

24 August 1983

D. Allan Bromley, the Yale University nuclear physicist and member of the White House Science Council who later became President George Bush’s science advisor, praises Schmidt’s editorial work on Bromley’s *Physics Today* feature article. Bromley writes to *Physics Today* Editor Harold L. Davis: “I must tell you that Jeff Schmidt did an absolutely outstanding job in editing the paper I had prepared on Neutrons in Science and Technology for presentation at the 40th Anniversary of Fermi’s First Reactor at the University of Chicago. I made no changes whatsoever in what he had done. You really do not know how unusual that is because, almost inevitably, I end up having giant hassles with editors who work over my papers. Let me then put in a very strong plug for Jeff.”

11 October 1983

Schmidt and five coworkers boycott the luncheon at the annual *Physics Today* advisory committee meeting to protest the staff’s exclusion from the meeting. Schmidt is the highest ranking staff member to boycott the lunch.

Schmidt and coworker Daniel Gladstone write a memorandum explaining the protest; a total of eight staff members sign the memo, which is given to the committee and to *Physics Today* Editor Harold L. Davis.

American Institute of Physics management is furious. AIP associate director for publishing Robert H. Marks tells *Physics Today* staff member Elliot Plotkin that everyone involved should be fired. AIP executive director H. William Koch calls a meeting of the *Physics Today* staff and demands greater discipline. Editor Harold L. Davis is fired the following year.

The protest wins a written request from the committee that, in the future, staff members be invited to attend the committee meeting and have access to all minutes, tapes or final reports of the committee. Management accedes to this request.

[See 11 October 1983 staff memorandum and 18 November 1983 letter of response from the committee]

27 October 1983

Schmidt and coworkers issue a seven-point memo, “General problems with *Physics Today* management,” demanding working conditions appropriate for professionals. [Can’t remember details about how this was organized.]

[See document dated 27 October 1983]

16 November 1984

Gloria B. Lubkin, born 16 May 1933 and a *Physics Today* staff member since 1963, is appointed Acting Editor of *Physics Today*. *Physics Today* Editor Harold L. Davis is fired.

1985

Gloria B. Lubkin is appointed Editor of *Physics Today*.

28 October 1985

Schmidt, in a note to *Physics Today* copy editor Laura Stephan-Corio, who was wrongly fired on 25 October 1985, notes *Physics Today*’s history of intolerance for strong-willed employees.

[See note of 28 October 1985]

September 1986

Per H. Andersen begins work as an editor at *Physics Today*.

Around 1988

Many *Physics Today* staff members oppose the firing of secretary Ruth Viera by *Physics Today* Editor Gloria B. Lubkin. Speaking for the spirit of the concerned staff, Schmidt protests to Lubkin, who drove Viera to a kind of nervous breakdown. Against Lubkin’s wishes, Schmidt and many coworkers meet with Viera in the days after her firing.

[Witness to Schmidt’s protest: coworker Bertram Schwarzschild, who happened to enter Lubkin’s office as Schmidt was speaking to her. Witness to Viera’s breakdown during the weeks before her firing: coworker Per H. Andersen.]

1989

Scientific journal publisher Gordon & Breach sues the American Institute of Physics for publishing in *Physics Today* an article that makes AIP journals look like a better value than G&B journals. AIP prevails on the basis of free speech. G&B sues AIP in other countries, too, ultimately without success, although the litigation goes on for 12 years. AIP's lawyer is Richard Meserve of Covington & Burling, Washington, D.C. Schmidt edited the article (Henry H. Barschall, "Cost Effectiveness of Physics Journals," *Physics Today*, July 1988, pages 56–59.)

5 July 1989

Schmidt's independent-minded coworker Per H. Andersen is fired. Schmidt helps Andersen prepare a detailed account of Andersen's mistreatment by management.
[See Andersen's 1 November 1989 draft 16-page letter to management and 21 November 1989 draft 4-page letter to management]

Around 10–11 July 1989

Schmidt objects to Lubkin imposing a more restrictive vacation-use policy on him than on others. Higher-ups get involved and the company then allows Schmidt to take a longer vacation than Lubkin originally wished to allow. Over the next nine months, Lubkin mentions Schmidt's actions in this matter negatively to managing editor Paul Hersch a number of times and then gives Schmidt an unusually critical performance review on 22 March 1990. Asked to explain what she means by some of her critical characterizations in that review, Lubkin tells Schmidt, as an accusation, that he is "very egalitarian."
[See Schmidt's notes of 10–11 July 1989 and his 23 April 1990 memorandum to American Institute of Physics director of physics programs John S. Rigden]

27 December 1989

Paul Hersch begins work as managing editor of *Physics Today*.

Throughout the 1990s

Long-time *Physics Today* staff member Bertram Schwarzschild openly refers to Schmidt as "the union representative," because Schmidt regularly speaks up on behalf of coworkers.

24 January 1991

Schmidt plays a leading role in organizing seven non-management *Physics Today* staff members to meet off site and discuss grievances about working conditions.
[See the group's draft memo of 24 January 1991]

27 March 1991

Schmidt is promoted from Associate Editor Level I to Associate Editor Level II based on the quantity and quality of his work.
[See memo of 27 March 1991]

13 May 1991

Physics Today managing editor Paul Hersch announces that *Physics Today* Editor Gloria B. Lubkin has dismissed him, effective in a few weeks time.
[See 13 May 1991 memorandum from Hersch to staff]

17 June 1991

Schmidt and nine coworkers send a signed memo to top American Institute of Physics management supporting *Physics Today* managing editor Paul Hersch, who was fired from his job at the magazine.

[See memo of 17 June 1991]

25 June 1991

American Institute of Physics director of physics programs John S. Rigden, boss of *Physics Today* Editor Gloria B. Lubkin, decides that Lubkin has bungled a vacation request by Schmidt and authorizes Schmidt to take the vacation. Rigden lets Lubkin know that he is upset with her management performance in general. Lubkin is frightened and treats Schmidt with unusual respect for the following year, but hardly ever talks to him.

[See 25 June 1991 memorandum from Rigden to Schmidt, cc to Lubkin]

23 August 1991

American Institute of Physics director of physics programs John S. Rigden reorganizes the *Physics Today* power structure so that the managing editor reports directly to him and so that most of the staff reports to the managing editor rather than to Editor Gloria B. Lubkin.

[See 23 August 1991 organizational chart and notes of 23 August 1991 staff meeting with Rigden]

19 March 1992

Physics Today staff, without permission from management, wears jeans and t-shirts as a demonstration against the new managing editor's tendency toward imposing a dress code.

4 May 1992

Schmidt plays a leading role in organizing ten *Physics Today* staff members to ask for relief from work-pace pressure by management.

[See 4 May 1992 memo from ten *Physics Today* staff members to *Physics Today* managing editor Kenneth J. McNaughton]

Around the beginning of July 1993

Schmidt makes a verbal request to *Physics Today* managing editor Kenneth J. McNaughton to have a four-day work week so that he can work on a book. He gets a verbal response from American Institute of Physics director of physics programs John S. Rigden via McNaughton saying that the answer is no unless and until Schmidt has a book contract and a deadline.

[See 8 July 1993 note from Rigden to Schmidt acknowledging Schmidt's request for a four-day work week but not mentioning a book]

27 July 1993

Schmidt is promoted from Associate Editor Level II to Senior Associate Editor based explicitly on the quantity and quality of his work.

[See document dated 17 February 1993 and memorandum dated 27 July 1993]

October 1993

Physics Today moves from Manhattan (New York City) to College Park, Maryland. The

company moves Schmidt from Manhattan to Washington, D.C., on 1 November 1993.

20 December 1993

Stephen G. Benka starts work at *Physics Today* as an associate editor, a non-management position. Nine months later he is appointed Editor of *Physics Today*.

[See memo of 20 December 1993 from *Physics Today* Editor Gloria B. Lubkin and managing editor Kenneth J. McNaughton]

4 January 1994

Denis Coffi and Ray Ladbury begin work as editors at *Physics Today*.

[See memo of 29 December 1993 from *Physics Today* Editor Gloria B. Lubkin and managing editor Kenneth J. McNaughton]

22 or 24 February 1994

Charles Harris begins work as publisher of *Physics Today*, a newly created position higher than Editor.

1994

Physics Today publisher Charles Harris authorizes Schmidt to work at home, in Washington, D.C., one day per week. *Physics Today* Editor Gloria B. Lubkin objects, to no avail. Schmidt usually works at home on Wednesdays.

1994

Physics Today publisher Charles Harris tells Schmidt ominously that a single dissident can affect an entire workplace, indicating that *Physics Today* Editor Gloria B. Lubkin may have told Harris things about Schmidt.

17 June 1994, 11:15 am to 12:40 pm

Schmidt plays a leading role in organizing a meeting of the non-management *Physics Today* staff to achieve better working conditions — in particular, relief from disrespectful treatment by *Physics Today* Editor Gloria B. Lubkin. Ten staff members attend the meeting, including Stephen G. Benka, who is appointed Editor three months later. *Physics Today* managing editor Kenneth J. McNaughton discovers the meeting in progress and asks if he was supposed to be invited. Schmidt speaks for the group and says no.

[See note of 17 June 1994]

29 September 1994

Stephen G. Benka is appointed Editor of *Physics Today*, replacing Gloria B. Lubkin, who is demoted to “editorial director.”

[See 29 September 1994 memorandum from AIP director of physics programs John S. Rigden]

24 October 1994

Physics Today managing editor Kenneth J. McNaughton pursues a personal 200-page journal editing project in part on office time and sends by Federal Express at company expense a heavy package associated with that project.

[See cover letter dated 22 October 1994 and sent 24 October 1994 from McNaughton to Ablex]

Publishing Corporation; Ken McNaughton, guest editor, *Creativity Research Journal*, Volume 7, numbers 3 and 4, 1994]

Beginning around 1995

Physics Today Editor Stephen G. Benka behaves abusively toward individual staff members, repeatedly blowing up at them, yelling at them. In one incident, Benka angrily follows *Physics Today* staff member Graham Collins out of the office, out of the building and into the parking lot.

Around 1995 to 2000

The American Institute of Physics recognizes that newly appointed *Physics Today* Editor Stephen G. Benka is deficient as a manager and requires him to attend management training classes over a long period of time.

1995–2000

Physics Today Editor Stephen G. Benka praises Schmidt's work repeatedly.
[See various documents]

27 April 1995

At a staff meeting, Schmidt speaks out strongly on behalf of the staff against the increasing workload. Managing editor Kenneth J. McNaughton responds with an angry personal attack on Schmidt.

[See 25 May 1995 memorandum from Schmidt to Benka]

25 May 1995

Schmidt tells *Physics Today* Editor Stephen G. Benka that Benka has failed to provide him with an adequate amount of work (articles to edit) and that this is a chronic problem that limits the number of articles Schmidt can edit per year.

[See 25 May 1995 memorandum from Schmidt to Benka]

26 May 1995

Schmidt notes that Benka provided him with no work for an entire week (23 May 1995 to 30 May 1995) and that this is the third time in the past 11 weeks that Benka has let Schmidt run out of work.

[See note of 26 May 1995]

Around 8 March 1996

Physics Today publisher Charles Harris meets with Schmidt to discuss management's draft review of Schmidt's job performance. Harris decides to raise Schmidt's job performance rating from "Meets Job Requirements" to "Exceeds Job Requirements." Harris notes in a tone of regret that this change will make it harder for the company to get rid of Schmidt. Schmidt asks what Harris means. Harris explains that should the company decide to get rid of Schmidt, it would now take at least year longer to do so, because it can't credibly lower its view of an employee's performance abruptly. (Harris says nothing to suggest that he plans to shift from the carrot to the stick in dealing with Schmidt.)

14 March 1996

Schmidt's 1996 performance review says he edited 16 articles and gives him a rating of "Exceeds Job Requirements."

The review says, "His comments in meetings often provide a useful counterpoint to discussions," and "His comments and views on editorial ideas and policies, while sometimes contrarian, are generally insightful."

[See performance review dated 12 March 1996]

11 July 1996

American Institute of Physics personnel office employee Melinda Underwood informs personnel director Theresa C. Braun that in 1995, AIP employment was deficient at the following levels and in the following ways:

- Senior managers (101): Female and minority underutilization
- Senior professionals (201): Female underutilization
- Other professionals (202): Minority underutilization

[See 11 July 1996 memo from Underwood to Braun]

22 July 1996

Schmidt is short of work because *Physics Today* Editor Stephen G. Benka has failed to solicit sufficient articles for the magazine. Schmidt writes a note to Benka asking for work.

[See note of 22 July 1996]

4 October 1996

The only minority group member on the *Physics Today* staff is also the most underpaid employee. On behalf of staff members who have been pushing for pay equity at *Physics Today*, Schmidt tells the *Physics Today* advisory committee, at their annual meeting, that the large salary differentials among the staff are not only unfair, but also divisive and bad for morale and productivity. Schmidt raised this issue at various staff meetings as well. Management is not pleased by the pressure, in part because it forces them to give the minority employee, Jean A. Kumagai, a special 25% salary increase, beginning 1 June 1997.

22–23 October 1996

Schmidt works with coworkers Jean Kumagai, Toni Feder and Paul Elliott to push for the hiring of additional staff and for staff participation in the hiring process. They send notes asking that these issues be put on the agenda of a staff meeting scheduled for 24 October 1996.

[See 22 October 1996 note from Schmidt, 22 October 1996 e-mail from Kumagai, 22 October 1996 e-mail from Feder, 23 October 1996 e-mail from Graham Collins]

15 November 1996

The *Physics Today* advisory committee, based on staff grievances brought to the committee's attention by Schmidt and his coworkers at the committee's 4 October 1996 meeting, issues a report strongly critical of working conditions at the magazine.

[See committee report e-mailed to staff by Benka 15 November 1996]

15 November 1996

Schmidt and some coworkers, after discussions with many more coworkers, give *Physics Today* managers and staff a ten-point list of changes that they want made at the *Physics Today* workplace. They present their requests in the form of a proposed agenda for a two-day retreat scheduled for 19–20 November 1996. Fearing reprisals for making requests that might not please management, those involved do not disclose their names; however, the fact that Schmidt played a leading role is known to all.

Job security is the employees' highest priority, and their demand for that tops their list. (See item 1 in document of 15 November 1996).

Among the other demands are the following:

Staff involvement in workplace dispute resolution (item 4).

Better distribution of job tasks (item 5).

Change hiring practices "to increase diversity of *Physics Today* staff" (item 8).

Provide conditions of employment appropriate for professionals (the other items).
[See document of 15 November 1996]

17 November 1996

In response to a demand for greater job security by a group of concerned staff members, *Physics Today* Editor Stephen G. Benka promises the entire staff that job security will be based on job performance. This is a change from the magazine's previous policy of "at will" employment, in which employment could be terminated for any reason.

[See document of 15 November 1996 and 17 November 1996 statement by Benka]

26 November 1996

Schmidt and Jean Kumagai get *Physics Today* Editor Stephen G. Benka to send the current job opening announcement to three minority group organizations.

[See Benka's 26 November 1996 e-mail message to Schmidt and Kumagai]

27 November 1996

Schmidt and Jean Kumagai update the *Physics Today* staff on the status of affirmative action efforts related to the current job opening.

[See 27 November 1996 e-mail message from Schmidt and Kumagai]

Beginning around 1996[?]

Physics Today publisher Charles Harris makes it clear to Schmidt and to many other staff members that their concerted activities have infuriated him.

After late 1996

There is a turning point in management's attitude toward Schmidt, a distinct and permanent change in management's tactics in dealing with Schmidt, a shift from trying to incorporate Schmidt into the decision-making process to trying to exclude him, a shift from the carrot to the

stick. *Physics Today* publisher Charles Harris is no more Mr. Nice Guy.

Management's anger at Schmidt increases dramatically, and never subsides, when he works with Jean Kumagai and other staff members to assert the need for equal opportunity and affirmative action in hiring at *Physics Today*, to increase staff diversity. They raise the issue when Ray Ladbury leaves the magazine in late 1996[?], creating an opening on the editorial staff. Schmidt speaks out strongly on the issue over a long period of time, as Ladbury's position isn't filled until 6 May 1997.

[See Benka's e-mail message of 6 May 1997]

DATE?

To comply with the law, the American Institute of Physics decides to make its many independent contractors regular employees. Schmidt, acting on behalf of coworker Paul Elliott, such an employee, protests to *Physics Today* publisher Charles Harris that Harris is making Elliott apply for Elliott's own job. The magazine immediately reverses itself and offers Elliott the job.

3 January 1997

Schmidt tells Benka that Benka has failed to provide him with an adequate amount of work (articles to edit) and that this is a chronic problem that limits the number of articles Schmidt can edit per year.

[See 3 January 1997 note from Schmidt to Benka]

13 February 1997

Schmidt's 1997 performance review says, "He edited 15 feature articles in this period, one shy of his agreed upon goal of 16." Schmidt is given a rating of "Exceeds Job Requirements."

The review says, "His comments in meetings often provide a useful counterpoint to discussions," and "His comments and views on editorial ideas and policies are generally insightful."

[See performance review dated 13 February 1997]

April 1997

To fill the position vacated by Ray Ladbury, *Physics Today* brings in three applicants for interviews. All are white males: Charles Day, David Ehrenstein and Corby Hovis.

[See Benka's e-mail message of 14 April 1997]

Around late April 1997 (after the three white males are interviewed)

Schmidt argues strongly at a staff meeting that promising minority applicants be interviewed for the open position. *Physics Today* publisher Charles Harris and Editor Stephen G. Benka say no.

6 May 1997

Physics Today Editor Stephen G. Benka announces that the magazine has hired Charles Day to fill the position vacated by Ray Ladbury.

Benka says that after filling the position, he phoned six "very promising" applicants, mainly minority group members, to tell them that he will consider them for future openings. Even though these minority applicants were "very promising," none of them were brought in for

interviews.

[See Benka's e-mail message of 6 May 1997]

2 June 1997

Charles Day, Ray Ladbury's replacement, begins work.

[See Benka's e-mail message of 6 May 1997]

Around 25 July 1997

Schmidt begins working at home, in Washington, D.C., three or four days per week.

18 August 1997

Schmidt writes to Benka about the chronic shortage of work (articles to edit). He asks Benka for more articles to edit. (Benka responds defensively, as providing the work is his job.)

[See memos of 18 August 1997, 19 August 1997, 25 August 1997 and 2 September 1997]

19 August 1997

Benka surreptitiously changes Schmidt's job description to make it look like Schmidt is partly responsible for providing the work that Benka is supposed to provide but has been deficient in providing.

25 August 1997

Schmidt discovers Benka's surreptitious change in Schmidt's job description and agrees to the change because it shifts Schmidt's work from an area in which Benka has been deficient in providing work to an area in which work is available. Schmidt makes Benka write a note saying that Schmidt's job description has been changed. The new job description changes Schmidt's article editing quota from 16 per year to 14 per year.

[See note of 25 August 1997]

18 September 1997

A majority of the *Physics Today* staff, led by Schmidt and others, give *Physics Today* managers and staff a list of concerns centered around a demand for working conditions appropriate for professionals — specifically, greater staff participation in decision making. They present their concerns as a request for agenda time at a one-day retreat scheduled for 25 September 1997.

Schmidt's leading role in producing the agenda items is known to all.

[See e-mail message of 18 September 1997.]

18–24 September 1997

Management reacts angrily to the staff's agenda request. The days leading up to the 25 September 1997 retreat see much debate between management and many staff members over the agenda, which management is formulating. *Physics Today* publisher Charles Harris becomes upset that the staff isn't embracing his agenda, and he begins treating Schmidt and Graham Collins as ringleaders on the staff side, apparently becoming permanently angry at these two outspoken staff members. (Harris's anger never subsides; he is fired around 2 March 1999.)

[See e-mail messages of 18–24 September 1997]

22 September 1997

Schmidt, speaking for six staff members, asks *Physics Today* publisher Charles Harris to include the support staff in the 25 September 1997 retreat. At a 16 September 1997 staff meeting, Harris had indicated that he did not want the support staff to attend.

[See e-mail messages of 22–24 September 1997]

25 September 1997

Near the beginning of a staff retreat, Schmidt asks if staff members may ask questions. *Physics Today* publisher Charles Harris says no. Schmidt argues that staff members *should* be allowed to ask questions at a retreat. Harris angrily shouts “No, That’s an order!”, ending the discussion.

At the retreat itself, and in subsequent weeks, a number of Schmidt’s coworkers publicly criticize Harris for the way in which he shut Schmidt up. A number of staff members — Graham Collins, for example — consider resigning.

Some days after the retreat, Harris tells Schmidt that he thought Schmidt’s request for the right to ask questions was a disguised attempt to raise issues of staff concern.

Ever since the 25 September 1997 retreat

Physics Today publisher Charles Harris gives Schmidt the impression that management is closely monitoring Schmidt. After the retreat, Harris himself attends almost every magazine department meeting that Schmidt attends — meetings that Harris had only rarely attended in the past. After some meetings, Harris comments privately to Schmidt’s coworkers about Schmidt’s performance.

Schmidt’s work is subjected to increased scrutiny. Without precedent, the magazine’s management examines and criticizes some of Schmidt’s work before he even completes it. (That is Schmidt’s work on the first of the five decade sections for the May 1998 50th anniversary issue of *Physics Today*.)

1 October 1997

Gag order put on Schmidt. *Physics Today* publisher Charles Harris and Editor Stephen G. Benka hand Schmidt a written “notice” that implies that Schmidt will be fired the next time he says anything that management considers to be “counterproductive.”

The notice also orders Schmidt not to tell his coworkers that he is under this restriction. Schmidt immediately violates that provision, and Harris repeatedly criticizes him for doing so.

[Document dated 26 September 1997.]

15 October 1997

In a written statement to the *Physics Today* staff, publisher Charles Harris says that “the staff should be free to engage in constructive criticism and discussion without fear of retribution” and promises that “while we can’t guarantee life employment,... continued employment is based on satisfactory performance.”

[See statement of 15 October 1997]

17 October 1997

Schmidt and a group of coworkers, in a written grievance presented to the *Physics Today* advisory committee at its annual meeting on 17 October 1997, ask for relief from “the increasingly repressive work environment at the magazine.” The appeal describes how *Physics Today* staff members Jeff Schmidt and Graham Collins have been warned about speaking up about workplace problems. It says, “Both Jeff and Graham have been outspoken about problems that many of us see at the magazine. We feel that the [gag orders on them] contribute to a repressive atmosphere at the magazine and restrict all of us. We hope the advisory committee will do whatever it can to get these warnings retracted, and to remind the PT managers that repression is counterproductive. Such steps would go a long way toward diminishing the fear that staff members now associate with trying to openly address problems at the magazine.” Fearing reprisals for making requests that would not please management, those involved do not disclose their names; however, the fact that Schmidt played a leading role is known to all. [See memo of 17 October 1997]

In addition to the written presentation to the advisory committee, Schmidt and the group of coworkers also present their collective grievances to the committee orally in a coordinated way as they meet privately with the committee, one at a time.

Schmidt, for example, speaking to the committee on behalf of the concerned *Physics Today* employees, objects to the magazine’s discriminatory employment practices and failure to live up to its claim that it is an affirmative action employer.

In the weeks and months following 17 October 1997

Physics Today publisher Charles Harris harshly criticizes Schmidt for his leading role in the presentation of staff grievances to the *Physics Today* advisory committee on 17 October 1997, telling Schmidt and others incorrectly that Schmidt tried to get him fired. Harris makes it clear that he sees Schmidt’s actions as an unforgivable offense that obligates Harris as a matter of manly honor to fire Schmidt or eventually drive him out and that gives Harris the moral right to do that by any means.

When Schmidt explains to Harris that neither Schmidt nor the other members of the group of concerned staff members tried to get him fired, he tells Schmidt that Schmidt is either naive or lying.

22 October 1997

American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky announces that James H. Stith has been hired as director of physics programs, a top management position. Stith, who worked at the U.S. military academy at West Point for 20 years, is to begin work in January 1998.

[See 22 October 1997 memo]

24 October 1997

American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky, Schmidt’s boss’s boss’s boss’s boss, accuses Schmidt of making “a very, very serious charge” about *Physics Today*’s hiring practices. Brodsky demands that Schmidt bring him the evidence. [Notes of telephone conversation not yet completely typed.]

24 October 1997

Gag order put on Graham Collins. *Physics Today* management lets staff know that problems are to be discussed with managers on an individual basis only. This is communicated to the staff through a warning to Graham Collins and in other ways.

Collins sends an e-mail message to the non-management *Physics Today* staff with the subject line: “My coming silence.”

[See 24 October 1997 e-mail from Collins]

4 November 1997

Schmidt and Jean Kumagai work together to prepare the document on equal employment opportunity and affirmative action that Schmidt will give to American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky on 5 November 1997.

[See 4 November 1997 e-mail from Kumagai to Schmidt]

5 November 1997

Schmidt meets with American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky for one hour and gives Brodsky a written statement summarizing *Physics Today*’s discriminatory hiring practices and lack of promised affirmative action. Schmidt includes the names of a few minority applicants who could have been interviewed but were not.

[Notes on meeting not yet typed. See two-page document dated 5 November 1997]

Schmidt tells Brodsky that AIP failed to conduct the equal employment opportunity and affirmative action training that it promised the federal government it would conduct. AIP made that promise in its 284-page “1996 Affirmative Action Program for American Institute of Physics,” a document signed by Brodsky and filed with the federal government at the government’s request.

[See pages 44–45 of the 284-page document (Schmidt’s page numbering)]

Brodsky counters by saying that he is pretty sure that he mentioned affirmative action either at the one-hour question-and-answer session that he held at AIP headquarters on 20 June 1996 or at the Q&A meeting that he conducted for employees at AIP’s facility in Woodbury, New York. He indicates that this mention (which, in fact, did not occur at the headquarters meeting) was the promised equal employment opportunity and affirmative action “training.”

Brodsky promises to look into affirmative action at *Physics Today* and tell Schmidt what he finds.

7 November 1997

Schmidt suggests that American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky speak with *Physics Today* staff member Jean Kumagai about discrimination and affirmative action at the magazine. Kumagai, the only member of a minority group at *Physics Today*, has been concerned about the issue and has been working on it. Brodsky fails to contact Kumagai.

[See 7 November 1997 e-mail message from Schmidt to Brodsky]

Around 13 November 1997 [date of monthly staff meeting]

Coworkers force management to rescind the gag orders on Schmidt and Graham Collins. The gag orders had outraged many coworkers, most of whom were afraid to speak out on staff grievances themselves but valued Schmidt and Collins doing so for them. Many staff members openly criticized the gag orders, forcing *Physics Today* publisher Charles Harris, at the November 1997 monthly staff meeting, to agree to rescind them. Harris does so reluctantly and without any decrease in his anger toward Schmidt and Collins.

[See e-mail message of 1 December 1997.]

2 December 1997

Management rescinds the gag orders on Schmidt and Graham Collins.

[See e-mail messages of 2 December 1997.]

19 January 1998 — Martin Luther King holiday

American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky tells Schmidt that he is still looking into the equal employment opportunity and affirmative action issues that Schmidt raised. Schmidt answers on behalf of the concerned staff, saying, “We’ll stay tuned.”

[See Brodsky’s 19 January 1998 e-mail message to Schmidt]

22 January 1998

Schmidt appeals to *Physics Today* publisher Charles Harris for relief from the pressure to take on additional (clerical) work. Harris says he is not inclined to give Schmidt any consideration, because of Schmidt’s and Graham Collins’s previous-year organizing activity, which Harris says is a threat to Harris’s own job.

[See 4 February 1998 letter from Schmidt to Collins]

28 January 1998

Physics Today Editor Stephen G. Benka breaks up two conversations between Schmidt and coworker Toni Feder after working hours.

Benka bans private conversations in the workplace, saying that all conversations between staff members must be open to monitoring by management.

When Schmidt asks Benka why, Benka refers to the organizing activity that took place the previous year and says he doesn’t want that to happen again.

Management’s disruptions of the two Schmidt/Feder conversations on 28 January 1998 and ban on future private conversations appear to be aimed specifically at Schmidt even though Benka says the rule applies to all employees.

[See 4 February 1998 letter from Schmidt to Collins]

Shortly after 28 January 1998

News of management’s dislike of private conversations in the workplace spreads quickly throughout the staff (yes, by way of private conversations) and puts a chill on everyone’s expression.

Paul Elliott complains to *Physics Today* publisher Charles Harris about the ban on private conversations between staff members, but Harris takes no action. Harris says he is “100 percent sure” that in the conversation between Schmidt and Feder that Benka broke up, Schmidt was organizing against management’s push to shift clerical work from the secretarial staff to the editors.

6 March 1998

Susan Funk, *Physics Today* Editor Stephen G. Benka’s assistant, quits in frustration. Without giving notice, she cleans out her desk, goes home and never returns.
[See letter of 16 March 1998 from Schmidt and Kumagai to Collins]

16 March 1998

Schmidt and Jean Kumagai give outspoken coworker Graham Collins a letter criticizing *Physics Today*’s new love-it-or-leave-it policy, which made resignation his best option.
[See letter of 16 March 1998]

1998 [shortly after Graham Collins’s resignation]

Carol Lucas, *Physics Today* publisher Charles Harris’s assistant, resigns.

20 March 1998

American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky meets with Schmidt and tells Schmidt that Brodsky investigated *Physics Today*’s hiring practices and found that the magazine’s affirmative action program was doing very well. Brodsky explains that he judges the program by its results. (At the time, *Physics Today* has an all-white staff of 18 employees, with only one exception.) Brodsky reports that the specific minority applicants mentioned by Schmidt were justly excluded from interviews for various reasons.

Brodsky tells Schmidt that hiring and training someone who is less qualified is discrimination against someone who is more qualified.[get exact quote from notes?]

Schmidt asks Brodsky again (as he did on 5 November 1997) about the equal employment opportunity and affirmative action training that Brodsky promised the federal government that AIP would conduct. After extensive questioning by Schmidt, Brodsky says that his supposed mention of the issue at the Q&A meetings constituted only “part of” the promised training. Schmidt then asks Brodsky to do “the rest of the training.” Brodsky very reluctantly promises to look into it, but such training is never conducted.

At the end of the meeting, Schmidt tells Brodsky that Schmidt and the other concerned *Physics Today* staff members still believe that their concerns about the lack of diversity in *Physics Today*’s hiring are well founded, and that the concerned staff are therefore disappointed with Brodsky’s response. Brodsky’s apparent view of the upshot of what happened is that Schmidt leveled totally unfounded charges at AIP, and Brodsky is not happy about that.
[Notes of 20 March 1998 meeting not yet typed]

20 March 1998

During Schmidt’s meeting with American Institute of Physics Executive Director and Chief

Executive Officer Marc H. Brodsky about staff concerns about discrimination and lack of affirmative action in hiring at *Physics Today*, Brodsky tells Schmidt that some of Schmidt's workplace activities, presumably reported to Brodsky by *Physics Today* publisher Charles Harris, are "counterproductive."

[Notes of 20 March 1998 meeting not yet typed]

24 March 1998

Schmidt meets with *Physics Today* Editor Stephen G. Benka to discuss his 1998 performance review. Benka condemns Schmidt's organizing activities at the magazine, focusing in particular on Schmidt's leading role in the concerted activity around the 19–20 November 1996 *Physics Today* retreat, even though that activity occurred before the period covered by the review.

Benka characterizes the staff actions in which Schmidt has played a leading role as nothing more than "disruptive." Benka says: "You have spent a lot of time in, shall we say, disruptive efforts.

You were formally reprimanded during this period [an apparent reference to the gag order]. That's been buried [an apparent reference to the rescindment of the gag order], but it certainly had its effect on the office and everyone."

This meeting is the first performance review discussion in which Benka criticizes Schmidt for his organizing activities around the 1996 retreat. Benka strongly condemns this 1996 concerted activity, in which staff members anonymously proposed an agenda that addressed their concerns about job security, diversity and working conditions. Benka calls the group of staff members who did this "your cabal." He calls them "people who wouldn't step forward," but he talks as if he has no doubt that Schmidt was not only one of them, but also a leading member. Referring to the group's efforts to get its concerns discussed, Benka warns Schmidt, "Anything — any behavior that generates such feelings, such divisions, such divisiveness, such disruption among the staff — is not going to be tolerated anymore."

Schmidt tells Benka that staff members fear reprisal for speaking out about workplace problems.

Benka responds: "Now, why would they fear that? If they're acting in good faith, then why would they fear it? But if they're not acting in good faith, they may have reason. If they're acting in order to engender divisiveness and trouble, if they're acting in bad faith, they may have reason to fear." Benka says: "If they're that afraid, maybe they should go where they're less afraid — if it's that unbearable."

The performance review lowers Schmidt's performance rating from "Exceeds Job Requirements" to "Meets Job Requirements" even though Schmidt did more work and more innovative work. The review makes what it admits are "new demands," which amount to a sharp increase in Schmidt's workload — from 14 feature articles per year to 18 — a 28 percent jump.

Schmidt: "I don't know of any others who have been asked to increase the amount of work they do."

Benka: "Oh yes they have" [repeats this a few more times].... I don't know why it's taken this long to ask you to increase as well."

Schmidt asks Benka to make corrections in the review. After consulting with *Physics Today*

publisher Charles Harris, Benka refuses to make any changes in the review.

In its employee handbook, the American Institute of Physics promises employees that their annual performance review will feature a discussion of “mutual goals.” Without explanation, Benka follows neither the letter nor the spirit of this policy, and doesn’t even pretend to be interested in what direction Schmidt might want to go in his work at AIP. The discussion is unlike anything Schmidt had experienced in previous years. Benka simply announces a big change in Schmidt’s job description — an increase in Schmidt’s workload by as much as three months’ worth of work per year — and discusses it as if he were a dictator giving orders. Rather than follow the participatory process promised in the employee handbook, management changes Schmidt’s job description by unilateral dictate, without discussion or agreement.

[Notes of 24 March 1998 meeting not yet typed]

Around 31 March 1998

Physics Today managers take Schmidt off of his assignment for the May 1998 50th anniversary special issue.

[See various e-mail messages of 1 April 1998 and so on]

24 April 1998

Schmidt’s fellow outspoken coworker Graham Collins leaves *Physics Today*. In explanation of the dissatisfaction that drove him to resign, Collins tells the American Institute of Physics that “Marc Brodsky [AIP executive director and chief executive officer] wishes to believe that the only problems are employees who complain too much.”

[See Collins’s exit interview form, 24 April 1998]

27 April 1998

Schmidt appeals his 1998 performance review to American Institute of Physics director of human resources Theresa C. Braun and director of physics programs James H. Stith. The appeal is 19 pages long with an additional 38 pages of supporting documents. The appeal details some of the ways in which the review is inaccurate and explains how it is a reprisal for Schmidt’s organizing activity and is part of a series of attempts to stop him from engaging in further concerted activity at *Physics Today*.

Schmidt gives copies of his 57-page appeal to 12 coworkers.

[See 57-page document dated 27 April 1998]

30 April 1998

The American Institute of Physics formalizes its computer use policy, saying that it “makes its computer equipment available to employees for personal use” on a causal basis for non-commercial purposes such as “educational, recreational, hobby, and community service.”

[See 18 June 1998 memorandum from Marc H. Brodsky to all AIP employees]

25 June 1998

Schmidt meets for two hours with American Institute of Physics director of physics programs James H. Stith about Schmidt’s 1998 performance review appeal. Stith refuses to make any corrections at all in Schmidt’s 1998 performance review.

Stith does not defend the review's criticisms of Schmidt, nor does he dispute Schmidt's detailed claim that the review makes many false statements about Schmidt. Stith says he decided to leave these statements in the review (and thus in Schmidt's permanent personnel record) because he had talked to *Physics Today* managers Charles Harris and Stephen G. Benka, who told him other things about Schmidt — things not mentioned in the review — and these things justified the lowering of Schmidt's job performance rating. Despite vigorous questioning by Schmidt, Stith refuses to say what these things are. However, Stith makes it clear that the problem is Schmidt's organizing activity, just as Schmidt had claimed in his appeal. Stith tells Schmidt that when you do things that your supervisors would be happier that you not do, then you have to be willing to pay the penalty, even if what you do is right. Schmidt responds that he expects Stith to protect people from being punished for doing the right thing. But Stith makes it clear that he will not play that appellate role at AIP. Stith says that in his younger days, he challenged the status quo. He says that even after the status quo yielded to change, he still had to pay a price for his actions, implying that paying such a price was right.

Schmidt appeals the ban on private conversations in the workplace to Stith. Stith tells Schmidt he knows about the ban, which was described in Schmidt's 27 April 1998 performance review appeal. Schmidt asks Stith to retract it. Stith promises to look into it, but never lifts the ban. [See Stith's memo of 24 June 1998; notes of 25 June 1998 meeting not yet typed]

16 July 1998

Schmidt sends an e-mail message to a dozen coworkers reporting on American Institute of Physics director of physics programs James H. Stith's refusal to make any corrections in Schmidt's 1998 performance review. [See 16 July 1998 e-mail message]

20 August 1998

Schmidt meets with American Institute of Physics director of physics programs James H. Stith about Schmidt's 1998 performance review. Stith admits repeatedly that the performance review was "subjective," but he refuses to put that in writing. [Notes of 20 August 1998 meeting not yet typed]

23 September 1998

Schmidt notes in an e-mail message to a coworker that *Physics Today* Editor Stephen G. Benka has failed to provide him with an adequate amount of work (articles to edit) and that this is a chronic problem. Schmidt writes, "They pressure me to edit more articles per year, but make it impossible to do so." [See 23 September 1998 e-mail message to coworker]

6 October 1998

Physics Today publisher Charles Harris, in a conversation with Schmidt, criticizes the management abilities of *Physics Today* Editor Stephen G. Benka and tells Schmidt that Harris is going to take away Benka's right to issue performance reviews and memos concerning personnel matters on his own. Harris will have to approve all such material before it is issued. [See note of 6 October 1998 on memo of 1 October 1998]

Mid-December 1998 to mid-June 1999

Schmidt takes a six-month unpaid leave of absence.

Around 2 March 1999

Physics Today publisher Charles Harris is fired.

Mid-June 1999

Physics Today Editor Stephen G. Benka criticizes Schmidt harshly (and for the first time, even though it has been 14 months since it happened), for showing his 1998 performance review appeal to coworkers. That document reviews workplace issues in detail. Benka says, “You are lucky you still have your job after doing that.” (This is an exact or nearly exact quote.)

22 June 1999

Schmidt meets with *Physics Today* interim publisher Gary Squires to propose a way to deal with the big increase in Schmidt’s workload. Schmidt says, “My goal has been 16 articles per year, and I haven’t made it sometimes, and sometimes I have. But then we had some heavy office politics here, a year or so ago. I kind of fell out of favor with management, and they got on my case and said that I should be producing 18 articles per year. One of the reasons I went on this [six-month] leave was to think about some solution to the problem, because 18 is more than I can do. I could barely do 16. And I came up with a solution.... I would accept the goal of 18 articles, but I would do two-thirds of that for two-thirds of the salary. That’s 12 articles per year — which is two-thirds of 18 — for two-thirds of the salary.... Normally I would have gone directly to Steve to talk about this, but he’s been so hard-lined — so mean spirited — about this, that I got the impression that maybe he wants to set a goal higher than I can meet, to get rid of me altogether.... [I’d] accept the number 18, even though I think it’s wrong. I would just do a fraction of that for a fraction of the pay. I wouldn’t be disputing the 18 in a sense, although I ... see it as punitive, because for years 16 has been the goal.”

[See notes of 22 June 1999 meeting]

29 June 1999

In response to the sharp increase in his workload imposed by management, Schmidt asks to work on a 2/3-time basis, writing in his request that “after all these years, at my age, I am not prepared to take on additional work.”

[See memo of 29 June 1999]

9 August 1999

Benka tells Schmidt that his request to work 2/3 time has been approved and will take effect 20 September 1999.

11 August 1999

Schmidt submits final manuscript of *Disciplined Minds* to Rowman & Littlefield.

17 August 1999

Schmidt is given an inaccurate and punitive 1999 performance review covering February 1998 to August 1999.

The review says, “During this review period, Jeff repeatedly engaged in disruptive and counterproductive behavior, damaging a collegial office climate and thereby undermining the editorial effort of *Physics Today*. Such behavior is unacceptable.” An example of such behavior, according to the review, is Schmidt’s showing coworkers his 1998 performance review appeal — a document that details workplace issues at *Physics Today* and discusses concerted activity to address those issues. The 1999 review criticizes and punishes Schmidt for this communication with coworkers. It says that such communication serves to “undermine...the staff’s respect for management.”

[See performance review dated 13 August 1999; Schmidt’s 19 August 1999 comments on the review; and Benka’s 19 August 1999 response to Schmidt’s comments]

17–19 August 1999

Schmidt holds discussions with a number of coworkers to organize support for the right of employees to discuss with each other performance reviews and punitive action by management. Schmidt’s effort is prompted by management’s 17 August 1999 punishment of Schmidt for discussing with coworkers his previous year’s performance review and other workplace issues that Schmidt’s supervisor says “had nothing to do with the review.” Schmidt also discusses with his coworkers other workplace issues, including punitive action by management (as distinguished from the right to discuss punitive action by management, mentioned above).

19 August 1999

Schmidt meets with *Physics Today* Editor Stephen G. Benka about Schmidt’s 1999 performance review. In strong language, Benka expresses his anger at Schmidt’s communications with coworkers about workplace issues. Benka focuses on Schmidt’s April 1998 communications with coworkers (one and one-third years back), which Benka hotly condemns. (In April 1998, prompted by a punitive performance review that was a reprisal for Schmidt’s workplace activism, Schmidt had written and circulated to his coworkers a memo about the reprisal and about workplace issues.)

Benka tells Schmidt, “We both realize full well that any group of people can be influenced in any number of ways. Management has a certain type of influence. Individuals within the group have a certain type of influence.... And I’m saying that you need to pay very close attention to your influence on this group.... What was *extremely* destructive about what you did last year, was circulating your response. What was extremely destructive was how much of it had *nothing* to do with the review.... I *don’t* want to see *anything* of this sort again. Is that clear? ... I want to see an *end* to that, Jeff.”

Benka admonishes Schmidt for talking to coworkers about the punitive 1999 review, too, which Benka wanted to keep secret. Benka verbally demands that Schmidt tell him which coworkers Schmidt has spoken with about issues raised in Schmidt’s 1999 performance review. Schmidt refuses. Benka insists. (Benka: “Who did you tell?” Schmidt: “I don’t want to get anybody in trouble.” Benka: “It’s best to get it out now.”) Schmidt says he will ask the coworkers for permission. Later the same day, Benka reiterates his demand in an e-mail message to Schmidt, saying, “I still would like you to tell me which member or members of the staff you have discussed this year’s review with.”

Benka says, “Let me ask now why you’re already going to the staff ... before we have even discussed it [the punitive 1999 performance review]. I gave it to you two days ago with the understanding that you look it over, think it over, and we would talk about it today. That’s the process. You’ve already jumped beyond that, by discussing it with someone else before even discussing it with me.”

Benka tells Schmidt, “What you’re describing is entirely out of the procedures of AIP for performance reviews, where these reviews are one-on-one between the employee and the manager.... That’s not the procedure that you’re following. ... That’s what I mean by confidentiality, but you don’t seem to abide by that at all. You are interested in other people’s reviews and in sharing yours with other people.”
[See notes of 19 August 1999 meeting]

Beginning soon after 19 August 1999

Schmidt and coworkers confer to decide how to respond to Benka’s demands, how to stand up for the right to communicate privately about workplace issues and how to stand up for the right to discuss punitive and other reviews.

26 August 1999

Schmidt reports to Benka that Schmidt and coworkers decided not to reveal any names to Benka or give Benka anything that Benka could use to try to identify which staff members are involved in private discussions. Schmidt and coworkers decided that Schmidt should give Benka only a verbal report on their views, based on notes that they agree on. Schmidt does that, but Benka demands repeatedly that Schmidt give him the notes, too. [See notes of 26 August 1999.] Schmidt refuses but agrees to consult again with coworkers. (Schmidt and coworkers decide to give Benka a brief, agreed-upon written report, which Schmidt does on 30 August 1999.)

Benka reiterates his opposition to private conversations between staff members about workplace issues, saying “everything to do with the job, with *PT*, is in my domain. For job-related things, there should be no privacy from me.” Schmidt, speaking on behalf of many staff members (those he conferred with), defends private conversations and asks Benka to stop his investigation into those conversations.

[Notes on 26 August 1999 meeting not yet typed. See memo dated 30 August 1999]

26 August 1999

Schmidt and Benka agree to change Schmidt’s job description back to 80 percent article editing.
[See note of 26 August 1999 and job description of 30 August 1999]

1 September 1999

Schmidt’s annual salary is raised to \$67,850.
[See memorandum of 3 September 1999]

8 September 1999

Schmidt meets with Benka about errors in the way his 1999 performance review was done. Schmidt notes, for example, that a 12-month salary increase chart was used for his 18-month review.

Benka tells Schmidt to “contribute productively, constructively and positively to the mission of the magazine.”

[Notes of 8 September 1999 meeting not yet typed]

17 September 1999

Schmidt and the American Institute of Physics enter into an agreement specifying the amount of work Schmidt will do and what he will be paid in return for doing that work. The written agreement is approved by Schmidt and signed by a director of the American Institute of Physics (James H. Stith).

[See document dated 14 September 1999]

20 September 1999

Schmidt begins 2/3-time work with full benefits.

[See document dated 14 September 1999]

15 November 1999

Randolph A. Nanna begins work as publisher of *Physics Today*.

[See 16 November 1999 memorandum from James H. Stith]

24 November 1999

Jean Kumagai leaves *Physics Today*, in part because of *Physics Today*’s discriminatory practices and affirmative action hypocrisy. Kumagai was widely considered to be one of the best editors at the magazine. She was one of Schmidt’s partners in concerted activity.

24 November 1999

Jean Kumagai’s 24 November 1999 departure leaves *Physics Today* with an all-white professional staff (editors and writers) and an all-black staff of secretaries.

9–10 November 1999

Schmidt requests permission to either use his accumulated vacation time or carry it over to the year 2000; his request concerns only the amount of vacation time beyond the amount that is automatically carried over to the next year. (Verbal request 9 November 1999; written request 10 November 1999.) Management doesn’t respond for a full month, giving vacation-use permission on 10 December 1999, which does not leave enough time in the year for Schmidt to plan and use all the vacation time. Management’s response is partial, saying that the issue of carryover will be addressed later. After many written communications with Schmidt and two meetings with him over a period of a few months, management makes Schmidt forfeit much of his vacation time. Also, without Schmidt’s knowledge and without notification, the amount of vacation time that he is allowed to carry over automatically (to the year 2000) is lowered to 175 hours from 262.5 hours the previous year; Schmidt discovers this after the fact, when he sees his earnings statement of 15 January 2000.

Schmidt’s coworker Paul Elliott is in an identical situation and makes an identical request exactly one week after Schmidt’s 10 November 1999 request. However, management allows Elliott to carry over to the year 2000 all of his unused vacation time — but makes him promise not to tell his coworkers.

After Schmidt is fired, he is paid for his remaining vacation time, which does not include his forfeited vacation time. He is paid for only two of the total of four “personal days” and “bonus days” due him.

[See e-mail messages of 10 November 1999, 23 November 1999, 13 December 1999, 15 December 1999, 5 January 2000, 13 March 2000, 15 March 2000, 16 March 2000, 28 March 2000, 6 April 2000, 11 April 2000; note of 9 November 1999; memoranda dated 10 December 1999, 3 April 2000; notes of 15 March 2000 meeting with Nanna not yet typed; notes of 5 April 2000 meeting with Nanna and Benka]

5 April 2000

Schmidt meets with *Physics Today* publisher Randolph A. Nanna and Editor Stephen G. Benka about vacation carryover. When Schmidt objects to AIP’s decision to make him pay for AIP’s admitted mistake, Nanna says, “And that’s my opinion [too]. Would I like it done to me? Probably not.”

[Notes of 5 April 2000 meeting]

5 April 2000

In the course of Schmidt’s meeting with *Physics Today* publisher Randolph A. Nanna and Editor Stephen G. Benka about vacation carryover, Benka praises Schmidt’s job performance in glowing terms: “You’re editing at a level that I find *very* good. At a level, frankly, I haven’t seen from you before. It’s terrific.”

[Notes of 5 April 2000 meeting]

24 April 2000

Physics Today Editor Stephen G. Benka and publisher Randolph A. Nanna announce that *Physics Today* Washington correspondent Irwin Goodwin, after 17 years at the magazine, “has decided to move on.” Goodwin leaves on 30 June 2000, not necessarily voluntarily.

[See 24 April 2000 e-mail from Benka and Nanna]

Around or just after mid-May 2000

Schmidt and coworker Toni Feder are talking alone in the *Physics Today* art office when *Physics Today* Editor Stephen G. Benka enters the room and notes to them that he noticed that they stopped talking when he showed up.

22 May 2000

Schmidt’s immediate supervisor, *Physics Today* Editor Stephen G. Benka, learns of Schmidt’s book, *Disciplined Minds*, when Benka comes upon a *Physics Today* staff member reading an article about it in the “Hot Type” column of the 26 May 2000 issue of the *Chronicle of Higher Education*.

30 May 2000

Historian Spencer Weart, director of the American Institute of Physics Center for History of Physics, reviews *Disciplined Minds* and sends his comments to Schmidt. Weart gives the book a very positive review and approves it for inclusion in the physics community section of the Niels Bohr Library, a specialized collection with limited space.

Schmidt distributes Weart's review to all *Physics Today* staff and management.
[See 30 May 2000 e-mail from Weart to Schmidt and 30 May 2000 e-mail from Schmidt to *Physics Today* staff and management]

30 May 2000, 2 pm

Schmidt is tipped off by an inside source that management is "very upset" about the book.

30 May 2000, late afternoon

Physics Today Editor Stephen G. Benka sees Schmidt leaving the office and stops him to make sure he isn't taking home any work files. Benka had never done that before.

Around 31 May 2000

Schmidt fulfills his entire annual review-period work quota in the first 10 months of the period. That is, he is two months ahead in his work.

31 May 2000, morning

Physics Today fires Schmidt.
[See notes of firing meeting]

31 May 2000, afternoon

Physics Today Editor Stephen G. Benka goes from office to office at *Physics Today*, telling each staff member that American Institute of Physics executive director and chief executive officer Marc H. Brodsky authorized him to say why Schmidt was fired. Benka tells people that Schmidt was fired for doing something other than what he was being paid to do.

Sometime after 22 May 2000

Physics Today refuses to review *Disciplined Minds* in the magazine, in spite of AIP historian Spencer Weart's recommendation that it do so. Weart believes that "every physics graduate student should read it."

Physics Today even refuses to list *Disciplined Minds* in its "New Books" pages, in which the magazine usually lists every physics-related book that it receives from a reputable publisher. This reveals *Physics Today*'s scrutiny of and dissatisfaction with the content of *Disciplined Minds*.

May–June 2000

Before and after being fired, Schmidt is interviewed on various radio stations around the country.

2 June 2000

Dorothy Healey, a talk-show host on Washington, D.C., radio station WPFW-FM, calls AIP for information about Schmidt's firing, and is told, "No comment."

2 June 2000, later

AIP management phones Dorothy Healey to find out the day and time that Schmidt will be on the air. She tells them.

7 June 2000

Schmidt lets *Physics Today* management know over the radio that he wants his job back. He is interviewed for 55 minutes on Washington, D.C., radio station WPFW–FM. *Physics Today* staff members and others at the workplace listen to the program. Management presumably listens to and records the program.

9 June 2000

The *Chronicle of Higher Education* reports *Physics Today*'s firing of Schmidt.

Around 6 June 2000

Rowman & Littlefield, publisher of *Disciplined Minds*, issues a press release announcing Schmidt's firing.

9 June 2000

Schmidt's long-time *Physics Today* coworker Bert Schwarzschild, in a telephone call to Schmidt, details Schwarzschild's use of office time and details his annual workload. The amount of break time Schwarzschild takes is very much greater than the two 15-minute breaks specified in the employee handbook, and his annual workload is significantly less than Schmidt's, because management counts his short "picture caption" stories as "big-ticket items."

[Notes not yet typed]

12 June 2000

The National Writers Union protests *Physics Today*'s firing of Schmidt.

[See union press release of 12 June 2000]

15 June 2000

Journalist Marlowe Hood, a former *Physics Today* staff member who was involved in concerted workplace activity with Schmidt, protests the firing of Schmidt.

[See letter from Hood]

Before 16 June 2000

Physics Today charges Schmidt with misconduct, telling the State of Maryland Department of Labor, Office of Unemployment Insurance, that "The employee admittedly used company time to work on a personal project over an extended period of time."

16 or 19 June 2000

Physics Today tells Maryland Department of Labor, Office of Unemployment Insurance, claim examiner Tasha Owens, as evidence that Schmidt was writing the book on company time, that Schmidt had asked for reduced hours.

20 June 2000

Regarding Schmidt's request to work reduced hours, state examiner Owens tells Schmidt that the company "did not specify why you needed that time." According to the company, said Owens, "you didn't say what it was for; you just asked for reduced hours. And that they granted you the request." Owens tells Schmidt that the company "could not say what hours you spent doing the book. They don't know."

21 June 2000

Sixteen former *Physics Today* staff members, including many who were involved in concerted workplace activity with Schmidt, protest the firing of Schmidt.
[See letter of 21 June 2000]

24 June 2000

Princeton University physicist M. V. Ramana protests *Physics Today*'s firing of Schmidt.

26 June 2000

Physicist Kajoli Krishnan protests *Physics Today*'s firing of Schmidt.

26 June 2000

George Washington University management professor Denis Cioffi, a former *Physics Today* staff member who was involved in concerted workplace activity with Schmidt, protests firing of Schmidt.

26 June 2000

George Washington University expert systems professor Thomas Nagy protests firing of Schmidt.

26 June 2000

State of Maryland Department of Labor, Unemployment Office, issues determination, finding no evidence that Schmidt engaged in even simple misconduct on the job by writing *Disciplined Minds*. The state awards Schmidt full benefits, retroactive to 4 June 2000. *Physics Today* does not appeal the state's finding.

28 June 2000

Physicist Vikram Vyas protests *Physics Today*'s firing of Schmidt.

30 June 2000

Physicist Surendra Gadekar protests *Physics Today*'s firing of Schmidt.

5 July 2000

Chris Garlock, editor of the online newsletter of the Washington, D.C., local of the National Writers Union, notes that physicist Albert Einstein wrote the theory of relativity in part during his spare time at the Swiss patent office, where he was employed.

Around mid-2000

Gloria Lubkin, who has been at *Physics Today* for 37 years, is demoted from "editorial director" to "editor at large" and is no longer allowed to write stories for the magazine's "Search and Discovery" department, which she pioneered.

28 July 2000

Washington City Paper reviews *Disciplined Minds* and mentions Schmidt's firing.

August 2000

Former *Physics Today* Editor Gloria B. Lubkin, Schmidt's former boss, is reportedly furious that Schmidt obtained her notes on his political views and activities, as reported in *Disciplined Minds*.

4 August 2000

Physics Today interviews Andy Johnson, a postdoctoral fellow at Los Alamos National Laboratory, for Schmidt's job. The magazine ends up offering him the job, which he turns down.

23 August 2000

Schmidt phones Marta Dark, who was offered (and turned down) Schmidt's job before 8 August 2000. Schmidt asks her when the magazine contacted her about that job. (Earlier, she had been interviewed for a different job opening at the magazine.) She says mid to late June 2000 but doesn't remember exactly.

24 or 25 August 2000

Marta Dark, apparently after having second thoughts about whether she should have spoken with Schmidt, tells Benka that she didn't really want to talk with Schmidt.

29 August 2000

Benka tells the *Physics Today* staff not to give Schmidt any more information about the magazine's hiring practices. Benka also tells the staff not to discuss their performance reviews with anyone — a new rule.

22 September 2000

The *Texas Observer* reviews *Disciplined Minds* and reports on Schmidt's firing.

1 December 2000

Lingua Franca magazine reports on *Disciplined Minds* and Schmidt's firing.